

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Company/Mine: Witt Excavating Sandstone Quarry
Permit #: M/051/006

CO # MC-05-01-01(1)
Violation # 1 of 1

SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: Operator was not aware a permit was needed from DOGM - this quarry was started in the 1950's based on an agreement between the landowner and the operator.

2. Has the event or damage occurred? yes
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Evidence of recent mining related activity was observed at the site.

3. Did any damage occur as a result of the violation? Unlikely

4.

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Activities appeared to have been contained within the historic footprint of this quarry. No evidence of impacts off-site were observed.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Recent activity was conducted as per agreement of landowner and operator that was made pre-law (1950's) Neither operator or landowner was aware that a mining permit was needed. This quarry is only operated intermittantly, with minimal material being removed at any one time. Total historic disturbance is estimated at about 1.5 acres.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

Was any economic benefit gained by the operator for failure to comply? _____

If yes explain.

Explanation: _____

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Land owner called the next day to discuss the violation. The operator called the next day to make arrangements for filing an SMO. the SMO was submitted within a week, including the reclamation surety. Once they were aware of the need to have a permit, compliance was achieved very expeditiously.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

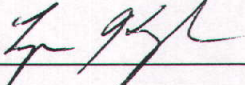
Explanation: Operator obtained the necessary forms for permitting from the Division's web site.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Lynn Kunzler

Authorized Representative



Signature

February 24, 2005

Date